

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SHAWN MICHAEL SIMMS,	)	
	)	
Petitioner,	)	Civil Action No. 17-1063
	)	
v.	)	Judge Cathy Bissoon
	)	
MARK GARMAN, and	)	Magistrate Judge Lisa Pupo Lenihan
THE ATTORNEY GENERAL OF THE	}	
STATE OF PENNSYLVANIA,	)	
	)	
Respondents.	)	

**MEMORANDUM ORDER**

This case has been referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On April 19, 2018, the Magistrate Judge issued a Report (Doc. 15) recommending that Shawn Michael Simms's petition for a writ of habeas corpus under 28 U.S.C. § 2254 (Doc. 3) be dismissed, and that a certificate of appealability be denied. Service of the Report and Recommendation was made, and Petitioner filed Objections. *See* Doc. 16.

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, it hereby is **ORDERED** that Shawn Michael Simms's habeas petition is **DISMISSED**; a certificate of appealability is **DENIED**; and the Report and Recommendation is **ADOPTED** as the Opinion of the District Court.

IT IS SO ORDERED.

October 18, 2018

s/Cathy Bissoon  
Cathy Bissoon  
United States District Judge

cc (via First-Class U.S. Mail):

Shawn Michael Simms  
JP4037  
Box A  
Bellefonte, PA 16823